

**REMARKS**

Claims 14-23 are pending in this application. Claims 14-23 stand rejected. In light of the amendments set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant notes that the IDS and corresponding SB-08 submitted on June 3, 2002, was not acknowledged by the Examiner and returned to the Applicant. As such, Applicant includes a copy of the PTO SB-08 herewith and requests that the Examiner acknowledge receipt of the IDS.

Claims 14, 22, and 23, stand rejected under 35 U.S.C. § 102(e) as being anticipated by WIPO Publication No. 00/21265 ("Phillips"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 14 not present in the cited reference is determining one of said applications to command and a function of said application to operate based on the light status and sending one or more commands to operate said function of said application using an API specified for said application.

The Office Action asserts that Phillips discloses one said applications to command and a function of said application to operate based on the light status. However, this feature is not present in the cited reference. In Phillips, each of the keys has a single light source so that each of the keys can be individually illuminated. Page 4, lines 24-29. Further, the telephone disclosed in Phillips is able to be used as a gaming platform. In particular, the telephone can play a game known as “Simon”. In this game, a series of keys are illuminated and the user must repeat the sequence of keys in the same sequence. However, when playing “Simon”, there is no application to operate based on the light status.

In contrast, according to Applicant’s explicitly recited claim, current light status for a plurality of buttons is detected. Next, an application to command is determined and a function of the application to operate based on the light status. As such, Phillips fails to disclose Applicant’s explicitly recited claim limitation. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection with respect to claim 14.

Claims 15-23 depend from, and contain all the limitations of claim 14. These dependent claims also recite additional limitations which, in combination with

the limitations of claim 14, are neither disclosed nor suggested by Phillips and are also believed to be directed towards the patentable subject matter. Thus, claims 14-23 should also be allowed.

Claims 16-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips in view of various other references. These additional references were not included to cure the deficiency in Phillips discussed above but to show additional limitations which, even if they were to show, do not cure the deficiencies in Phillips above. As such, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/934,642

Docket No.: M1909.0153

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: December 22, 2004

Respectfully submitted,

By 

Ian B. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas  
New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

IRB/mgs

Enclosure (PTO SB-08, filed June 3, 2002)